

CALIFORNIA COASTAL COMMISSION

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**W-22**

May 12, 2004

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR MAY 2004

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: This information can be accessed through the Commission's World Wide Web Homepage at
www.coastal.ca.gov

Legislative Calendar

May 14	Last day for policy committees to meet prior to June 1
May 21	Last day for fiscal committees to hear and report first house bills to the floor
May 28	Last day for Senate, Assembly to pass first house bills
June 15	Budget bill must be passed by midnight
June 25	Last day for policy committees to meet and report second house bills
July 2	Summer recess begins on adjournment
Aug. 2	Legislature reconvenes
Aug. 13	Last day for fiscal committees to meet and report second house bills
Aug. 16-31	Floor session only. No committees may meet
Aug. 31	Last day to pass any non-urgency bill

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AB 90 (Wyland) Coastal Commission: Membership

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

Introduced	01/08/03
Status	Failed to meet Legislative deadline

AB 105 (Wiggins) Agriculture Land Preservation

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

Introduced	01/10/03
Status	Concurrence in Senate Amendments pending
Last Amended	09/08/03

AB 204 (Nation) Motor Vehicles

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$6, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

Introduced	01/28/03
Status	Passed Assembly Floor. Referred to Senate Transportation.
Last Amended	01/22/04

AB 586 (Koretz) Litter and Marine Debris

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

Introduced	02/18/03
Status	Failed to meet Legislative deadlines
Last Amended	04/22/03

AB 947 (Jackson) Ocean Resources

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

Introduced	02/20/03
Status	Failed to meet Legislative deadlines.
Last Amended	04/22/03

AB 974 (Nation) Coastal Zone: Native American Sites

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

Introduced	02/20/03
Status	Senate Inactive File
Last Amended	06/02/03
Commission Position	Support

AB 1466 (Koretz) Litter

This bill would establish a unified litter prevention and recycling message for the State of California, “Don’t Trash California.” The bill would authorize all relevant agencies to integrate the message into their existing litter and recycling programs. The bill authorizes the establishment of an interagency committee to collaborate on how to implement a unified litter prevention message. The Coastal Commission may participate on the Committee.

Introduced	02/01/03
Status	Passed Assembly. Referred to Senate E.Q.
Last Amended	01/14/04

AB 1517 (Plescia) Stormwater

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

Introduced	02/21/03
Status	Failed to meet Legislative deadlines.
Last Amended	04/07/03

AB 1808 (Yee) Littering

This bill would increase the minimum fine for littering on a state beach under the jurisdiction of the Department of Parks and Recreation from \$100 to \$200. This bill would also specify that half of the fines collected be deposited in the Beach Cleanup and Litter Abatement Fund, which the bill establishes. The funds would be used for litter clean up and prevention on public beaches.

Introduced	01/13/04
Status	Referred to Assm. Appropriations Committee
Last Amended	04/14/04

AB 1876 (Chan) Beach Sanitation

This bill would extend existing public beach water quality testing and posting requirements to include beaches under the jurisdiction of BCDC, public bay beaches, if the beach is visited by at least 15,000 people per year, and is located adjacent to a creek mouth or storm drain outfall. This bill would also require that bilingual signs be posted in areas of bilingual use.

Introduced	02/03/04
Last Amended	03/18/04
Status	Passed ES&TM, Referred to NR Committee

AB 1991 (Lowenthal) Petroleum infrastructure projects

This bill would give the Energy Commission exclusive jurisdiction over the siting of petroleum infrastructure projects, which include construction or modification of refineries, pipelines, tanker terminals and marine terminals. The bill would establish a \$100,000 fee for the application for certification of a petroleum infrastructure project, and an \$15,000 annual fee for a certified project.

Introduced	02/13/04
Last Amended	03/18/04
Status	Hearing cancelled at request of author

AB 2093 (Nakano) Cruise ships: graywater

This bill would prohibit the release of graywater from cruise ships in state water, unless the vessel has met specified requirements to be developed by the State Water Resources Control Board.

Introduced	02/17/04
Last Amended	03/22/04
Status	Referred to Assm. Appropriations Committee

AB 2305 (Richman) Petroleum infrastructure: permitting process

This bill would require the Energy Commission to make recommendations on how to streamline the permitting process for petroleum infrastructure projects.

Introduced	02/19/04
Status	Hearing cancelled at request of author

AB 2434 (Bates) Public Utilities Commission: Railroad crossings

This bill would require the PUC to approve specified railroad crossings for pedestrian access to the beach in the City of San Clemente on or before June 30, 2004. This is an urgency bill.

Introduced	02/19/04
Last Amended	03/24/04
Status	Referred to Transportation Committee

AB 2514 (NR Committee)

This bill makes technical, non-substantive changes to the Coastal Act, and removes the Secretary of Trade and Commerce as an ex-officio member of the Commission, as this agency no longer exists.

Introduced	02/20/04
Status	Referred to NR Committee

AB 2529 (Kehoe) California Ocean Plan

This bill would require the State Water Resources Control Board to revise the California Ocean Plan by January 1, 2007, to require that all regional water quality plans (basin plans) which include coastal watersheds provide for the protection, maintenance and restoration of marine ecosystems, and prohibit additional point and nonpoint source discharges that would affect marine managed areas.

Introduced	02/20/04
Last Amended	04/22/04
Status	Referred to Assm. Appropriations Committee

AB 2672 (Simitian) Large passenger vessels: sewage

Existing law requires the State Water Resources Control Board to apply to the federal government to prohibit the release of specified substances in waters that are not in state waters, but are in certain marine sanctuaries. This bill would require the board to determine whether it is necessary for the state to apply to the federal government to authorize the state to prohibit the release of sewage, as defined, from large passenger vessels into the marine waters of the state. If the board determines that it is necessary, the bill would require the board to make that application. The bill would require the owner or operator of a large passenger vessel that releases sewage into the marine waters of the state or a marine sanctuary, as defined, to immediately report the release to the board, as specified.

Introduced	02/20/04
Last Amended	04/20/04
Status	Referred to Assm. Appropriations Committee

AB 2702 (Steinberg) Housing: second units

This bill gives local governments additional flexibility and discretion over the mandate to allow the construction of second units to be approved ministerially. This bill also removes the requirement that occupants of a second unit must be owners, family members or care givers, and prohibits local agencies from establishing a minimum unit size requirements for second units. The bill specifies that none of its provisions shall be construed to lessen the effect or application of the Coastal Act.

Introduced	02/20/04
Last Amended	04/19/04
Status	Assembly Housing Committee

AB 2725 (Laird) Ex parte communications

This bill would prohibit communications between commissioners and interested parties on issues pertaining to litigation and certain enforcement actions.

Introduced	02/20/04
Status	Referred to Assm. Appropriations Committee

AB 2814 (Simitian) Natural resources: CEQA

This bill would exempt from the California Environmental Quality Act any activity carried out by state or local government if the project's express purpose is to maintain, restore, enhance, protect, or conserve coastal or marine resources in a marine life reserve, marine life managed area or marine protected area, if any potential adverse environmental impact is expected to be offset by the intended beneficial environmental effect. .

Introduced	02/20/04
Status	Assembly NR Committee. Hearing cancelled at request of author

AB 2918 (Laird) Desalination facilities: electricity rates

This bill would direct the Public Utilities Commission to initiate ratesetting proceedings to determine the feasibility of establishing a separate rate class for desalination plants operated by public agencies or by regulated utilities, which are placed in service after January 1, 2006. The bill would only apply to electrical corporations serving more than 1,000,000 customers.

Introduced	02/20/04
Last Amended	04/15/04
Status	Water Parks & Wildlife Committee

AB 3039 (ES&TM Committee) Ocean use planning: California Coastal Act

This bill would direct the Secretary for Environmental Protection and the Secretary of the Resources Agency to conduct a joint review of their respective regulatory programs in light of the recommendations of the report of the Pew Oceans Commission. The secretaries would report to the Legislature by April 1, 2005, with recommendations for structural or budgetary changes the Legislature should evaluate in order to ensure a coordinated coastal and marine program.

Introduced	02/26/04
Last Amended	04/22/04
Status	Assembly Appropriations Committee

SB 18 (Burton) Sacred Sites

This bill would protect Native American Cultural Sites by expanding the jurisdiction of the Native American Heritage Commission (NAHC), and requiring consultation with Native American Tribes under CEQA. This bill would create a statewide, confidential Traditional Tribal Cultural Sites (TTCS) list, and require state agencies to incorporate the final determinations of the NAHC into their findings.

Introduced	12/02/02
Last Amended	08/25/03
Status	Assembly Inactive File

SB 236 (Alpert) Fishing: Bottom Trawling

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and

Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

Introduced	02/14/03
Status	Passed Senate. Held at Assembly Desk.
Last Amended	04/02/03
Commission Position	Support

SB 318 (Alpert) Desalinated Water

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

Introduced 02/19/03
Status Assembly Inactive File.
Last Amended 04/08/03

SB 681 (Morrow) Coastal Commission: Permits

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03
Status Returned to Secretary of Senate.
Commission Position: Oppose

SB 744 (Dunn) Housing

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

Introduced 02/21/03
Status In Assembly. Held at Desk.
Last Amended 06/03/03

SB 909 (Machado) Public Water Systems

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03
Status Hearing cancelled at request of author.
Last Amended 06/23/03
Commission Position: Oppose

SB 1198 (Oller) California Coastal Commission

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04
Status Senate Rules Committee

SB 1199 (Oller)

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04
Status Senate Rules Committee

SB 1318 (Burton) California Ocean Protection Act

This bill would amend Prop 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, to authorize grants for coastal water and watershed protection to be awarded to the Ocean Protection Council. (See SB 1319)

Introduced 02/10/04
Last Amended 04/14/04
Status Senate Appropriations Committee; suspense file

SB 1319 (Burton) California Ocean Protection Act

This bill would establish the Ocean Protection Council, consisting of the Secretary for Resources, Secretary for EPA, Chair of the State Lands Commissions and six members of the Legislature. The bill would require the council to coordinate and integrate the activities of state agencies active in the areas of ocean ecosystems and coastal waters. The activities of the council would be supported with existing resources. The bill would also create the Ocean Protection Trust Fund, and authorize funds to be deposited in the account for appropriation by the Legislature. (Bill language attached.)

Introduced	02/10/04
Last Amended	04/14/04
Status	Senate Appropriations Committee; suspense file

SB 1369 (Kuehl) Fire protection

This bill would require that the owner or occupant of a dwelling in a very high fire hazard severity zone, as defined in Govt. Code Section 51179, remove all flammable brush, vegetation and combustible growth within 100 feet of the structure, unless local ordinance requires greater clearance. The bill would authorize the Director of Forestry and Fire to cause the fire clearance to take place if a property owner does not comply.

Introduced	02/18/04
Last Amended	03/26/04
Status	Senate Appropriations Committee

SB 1459 (Alpert) Fishing: trawl nets

This bill would grant the Department of Fish and Game authority over all state-managed bottom trawl fisheries, require a permit for all trawling activities, require that a previously held trawl permit be a requirement for obtaining a new or renewed permit by 2007, prohibit the transfer of permits, prohibit the use of certain types of trawl gear, authorize the Fish and Game Commission to facilitate programs that promote the conversion of trawl vessels to more sustainable practices, and prohibit trawling activities in portions of Monterey Bay, Estero Bay and San Luis Obispo Bay.

Introduced	02/19/04
Last Amended	04/19/04
Status	Referred to Senate Appropriations Committee

SB 1742 (McPherson) Oil spills

This bill amends state Oil Spill Contingency Plan to specifically include waterways used for waterborne commercial traffic in the ports of Stockton and Sacramento; defines an oil spill or discharge as the release of at least 1 barrel of oil over a 24 hour period; includes wildlife rehabilitation as an allowable activity for volunteer workers; adds the state of Hawaii to the list of coastal states with whom the administrator shall coordinate oil spill prevention activities; makes non-substantive, technical changes and deletes obsolete sections of the code.

Introduced	02/20/04
Last Amended	04/14/04
Status	Referred to Senate NR&W Committee